UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2001/NGO/42
23 January 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 7 of the provisional agenda

# THE RIGHT TO DEVELOPMENT

Written statement*/ submitted by the International Indian Treaty Council, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 January 2001]

---

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

GE. * 2 0 0 1 0 1 0 4 5 3 *

ENG

After learning of the devastating impacts of oil extraction in other provinces of Ecuador, the Quichua of Sarayacu gathered in Assemblies recognized as valid by the government of Ecuador, to discuss the environmental and cultural threats posed by the oil industry. The primary result, which has been publicized for years, was a formal resolution to unequivocally reject oil development.

On behalf of the Quichua People of Sarayacu, the IITC denounces the actions of the state of Ecuador which, has effectively allowed the company Argentina CGC to defraud the Quichuas of the region by offering falsely "unconditional" economic support, to provoke divisions within the communities, and to extract signed agreements with individuals rather than with the appropriate representatives of the Quichua communities, thereby undermining the Quichua's legitimate and democratically chosen leadership. In so doing, Ecuador blatantly violates its own national constitution with regard to Indigenous Peoples' collective rights as recognized therein, and violates ILO 169, the International Covenant on Economic, Social and Cultural Rights and other international instruments.

Reflecting another concern of Indigenous Peoples throughout the world, the IITC sites an example of the biotechnology industry acting in collusion with pharmaceutical companies to exploit the biodiversity found within Indigenous Peoples' territories.

One of the leaders in so-called "proprietary technologies," Diversa Corporation recently announced that they'd signed an agreement with Arctos Pharmaceuticals, "giving Diversa rights to discover genes and commercialize products from samples extracted from habitats in Alaska and neighboring territories." The agreement is part of Diversa's "global biodiversity access network," encouraging the exploitation of the Arctic and boreal ecosystems in which microorganisms produce unique bioactive compounds.

The President and CEO of Diversa claims that his company works with such speed and efficiency that it is yielding "a valuable product pipeline," a phrase reminiscent of the oil drilling and pipeline that have ravaged much of Alaska and brought toxic pollutants and illness to Indigenous communities there. Diversa works in strategic partnerships with Dow Chemical Company, Novartis Seeds AG, and others within the multi-billion dollar markets that are committing bio-piracy, causing genetic pollution in the agricultural sector and decimating the subsistence food systems of Indigenous Peoples throughout the world.

Also in Alaska, the 1.5 million-acre coastal plain of the Arctic National Wildlife Refuge (ANWR) is under clear threat of oil exploration that could be allowed by pending legislation that would undermine the Refuge's currently protected status. This area is the birthplace of the Porcupine caribou heard, upon which the subsistence, culture and way of life Gwich'in Athabascan Peoples of Alaska and Canada depend.

Rather than advocate for legislation to protect this irreplaceable and vital area for perpetuity, George W. Bush and some members of the US Congress have stated their intention to open this pristine area to oil exploration, which would cause irreparable harm to the caribou birthing grounds and thereby violate the cultural, religious and subsistence

rights of the Gwich'in Peoples. In their enthusiasm to establish legislation to allow oil leasing and drilling in ANWR, these US Congressional members and the new President of the United States have chosen to blatantly disregard the Gwich'in People's human rights concerns, which the latter have repeatedly expressed to the CHR and many other bodies.

We also note with alarm that, in central Oklahoma, United States, the very existence of the Kickapoo Nation and the health of their land and water resources are under threat by an impending North American North-South superhighway from Canada to Mexico, part of which will run through the reservation of the Kickapoo. Under the auspices of NAFTA, plans for the superhighway have been under way for four years, yet the United States -- in violation of the federally recognized sovereignty of the Kickapoo Nation, as well as treaties enacted between the two Nations, and the federal charter establishing the Kickapoo Reservation in Oklahoma -- has failed to formally discuss these plans with the Kickapoo Nation.

The superhighway would certainly bring irreversible environmental and cultural damage to the region, threatening the plant and animal species therein. It would also violate the Kickapoo's Freedom of Religion because it would destroy four traditional structures which, together, serve as the cornerstone of the Kickapoo Nation's spiritual ceremonial practices and its existence as a culture.

And lastly, on August 24, 2000, armed agents of the US Drug Enforcement Agency invaded sovereign Lakota land in the Pine Ridge Indian Reservation and confiscated industrial hemp crops slated for legitimate, commercial use. The Oglala Lakota People planted seeds indigenous to the region, and cultivated these crops as a source of raw fiber for bricks, insulation and other construction materials to be used by the Slim Butte Land Association Housing Project, a community based economic development initiative.

The US government's own statistics have, for decades, consistently shown the Pine Ridge Indian Reservation to be the poorest, most economically depressed community in the entire country. This situation is primarily the combined result of the US government's refusal to honor the 1868 Ft. Laramie Treaty with the Lakota Nation -- which was signed and ratified by the US Congress -- and the relegation of the Lakota Peoples to reservations representing a small fraction of their legally recognized Treaty lands.

By confiscating these industrial crops -- which are a distinct sub-species from the narcotic plant, marijuana, and also undergo a verifiably different cultivation process -- the US violated not only the sovereignty and Treaty Rights of the Oglala band of the Lakota Nation under US law, but also violated the Right to Development of a People who live within the borders of the wealthiest country in the world, but in a district similar by many indicators to a "developing country."

In light of the persistent poverty within Indigenous Peoples' communities, and because little has stopped the destruction of their homelands' and the natural environments that have provided and could continue to provide a means for them to exercise their Right to

Development, we urge the Commission to extend for another three years the mandate of the Special Rapporteur on the Right to Development. We ask that the Rapporteur be mandated to conduct a study for the CHR investigating the human rights impacts of imposed development and the denial of the Right to Development of Indigenous Peoples throughout the World.

We also insist that member states fulfill the commitments made to one another and to Indigenous Peoples through the conventions they have ratified.

Thank you, all my relations.

---